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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2010 OCT 14 PM 4: 25

JEANNE HICKS, CLERK

S. KELBAUGH

4 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

5 IN AND FOR THE COUNTY OF YAVAPAI

6 STATE OF ARIZONA,

CAUSE NO. V1300CR201080049

7 Plaintiff,

Division PTB

8 v.

**TWELFTH SUPPLEMENTAL
DISCLOSURE BY STATE OF MATTERS
RELATING TO GUILT, INNOCENCE,
OR PUNISHMENT**

9 JAMES ARTHUR RAY,

10 Defendant.

12 Pursuant to Rule 15.1(a) and (b) of the Arizona Rules of Criminal Procedure, the
13 Yavapai County Attorney's Office hereby files the following material and information within
14 its possession or control relative to guilt, innocence, or punishment, and further notifies the
15 defendant(s) that said material and information is either typed on this form, is attached hereto
16 and incorporated herein by reference (**) or is available to the defendant(s) for examination
17 and reproduction at the office of the Yavapai County Attorney (****) or has been previously
18 provided to defendant (**), or to be disclosed upon receipt (****)

19 1. The names and addresses of all persons whom the prosecution will call as
20 witnesses in the case-in chief and or rebuttal, together with their relevant written or recorded
21 statements:

22 NAME

ADDRESS

STATEMENT

23 **Prior Sweat Lodge Participants:**

24 **Vicky Rock**

**Recorded Interview
9/21/10 ****

25 2. All statements of the defendant and of any person who will be tried with him:

26 3. All then existing original and supplemental reports prepared by a law
enforcement agency in connection with the particular crime with which the defendant is charged.

4. The names and addresses of experts who have personally examined the defendant's or any evidence in this case, together with the results of physical examinations and of scientific tests, experiments of comparisons, including all written reports or statements made by them in connection with this case:

Name	ADDRESS	STATEMENT OR REPORT
Steven Pace, Director of Risk Management for Field Activities	Prescott College 8355 Buchanan Rd. Prescott, AZ 86305	Will testify regarding risk management for field activities. No report prepared in this case. Co-Editor of the <u>Manual of Accreditation Standards for Adventure Programs</u> , 5 th Ed., (Ass'n for Experimental Education)(2009) Resume Attached (Bates No. 5376-5377)
Rick Ross, Director	Rick Ross Institute 1977 N. Olden Ave. Trenton, N.J. 08618	Will testify regarding group behavior. No report prepared in in this case. Curriculum Vitae Attached (Bates No. 5378-5386)

5. A list of all papers, documents, photographs or tangible objects which the prosecution will use at trial or which were obtained from or purportedly belong to the defendant(s):

Item	Comments/Bates No.	Status
(a) Photographs of Evidence Items viewed on 5/20/10 at the Yavapai County Sheriff's Office	N/A CD was provided on 5/20/10, but was not formally disclosed	**
(b) Evidence Item 1003, File Folder Labeled "Spiritual Warrior 2009 Oct 3-8"	4954A-4956A 4957-4963 Bates No. 4554-4956 inadvertently duplicated in 13 th Supp.	**
(c) Evidence Item 1023 Harmonic Wealth Weekend Dream Team Training Manual	4964-4986	**
(d) Evidence Item 1026 Red Operating Notebook	4987-5227	**

- | | | | | |
|----|-----|---|------------------------------------|-----------|
| 1 | (e) | Evidence Item 1027 Spiritual | 5229 | ** |
| 2 | | Warrior Event Vitals October 3-9, | | |
| 3 | | 2009 | | |
| 4 | (f) | Evidence Item 1030 Resignation | 5230 | ** |
| 5 | | Letter of Amy Hall | | |
| 6 | (g) | E-Mail dated 9/26/07 from Gary | 5231-5232 | ** |
| 7 | | Palisch to Michael Hamilton Subject: | | |
| 8 | | Sweat Lodge | | |
| 9 | (h) | E-Mail from Rosemary Senjem to | 5233-5237 | ** |
| 10 | | Det. Diskin with letter from the | | |
| 11 | | Hamiltons attached | | |
| 12 | (i) | Statement under Oath of Sandra | 5238-5375 | ** |
| 13 | | Andretti | | |
| 14 | (j) | Audio recordings of 9/21/10 | 2 DSS Files | ** |
| 15 | | interviews of Vicky and Mark Rock | Mark Rock 09.21.10 C23.DSS | |
| 16 | | | Vicky Rock 09.21.10 C23.DSS | |
| 17 | (k) | Video from James Arthur Ray | 4 DVDS | ** |
| 18 | | Harmonic Wealth Program | | |
| 19 | | February 2007 Received from Sound | | |
| 20 | | Choice | | |

16 6. A list of all prior felony convictions of the defendant which the prosecution
17 will use at trial:

18 7. A list of all prior acts of the defendant(s) which the prosecution will use to
19 prove motive, intent, or knowledge or otherwise use at trial:

20 8. All material or information which tends to mitigate or negate the defendant's
21 guilt as to the offense charged or which would tend to reduce his punishment, including all
prior felony convictions or witnesses whom the prosecution expects to call at trial:

22 9. The results of any electronic surveillance of any conversations to which the
23 defendant was a party, or of his business or residence:

24 10. All search warrants that have been executed in connection with this case:

25 11. The identity of any informant(s) involved in this case (if the defendant is
26 entitled to know this fact under Rule 15.4(b) (2).

DATED this 14th day of October 2010.

Sheila S Polk

SHEILA SULLIVAN POLK
YAVAPAI COUNTY ATTORNEY

COPY of the foregoing delivered
October 14th 2010 to:

Thomas Kelly

By: *Kathy Durrer*

Office of the Yavapai County Attorney
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